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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/675,457  | 09/29/2003  | Toshimitsu Ohara     | 60014 (71719)       | 5612             |
| 21874   | 7590        | 11/29/2005           | EXAMINER            |                  |
| EDWARDS & ANGELL, LLP<br>P.O. BOX 55874<br>BOSTON, MA 02205 |             |                      | KYLE, MICHAEL J     |                  |
|   |             | ART UNIT             |                     | PAPER NUMBER     |
|   |             |                      |                     | 3677             |

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/675,457             | OHARA ET AL.        |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Michael J. Kyle        | 3677                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 04 November 2005.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 1-10 and 16 is/are allowed.
- 6) Claim(s) 11-15 and 17 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 21 July 2005 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \*    c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This Office Action is in response to applicant's amendment filed on November 4, 2005, which appears to have been cross mailed with the Office Action of November 1, 2005. That Office Action is now withdrawn, and this one is now pending. The period for reply is reset to 3 months from the mailing date of the Office Action.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 11-15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's Admitted Prior Art ("APA", as shown in figure 14) in view of Sorimachi (U.S. Patent No. 4,424,606). APA discloses an image input/output apparatus comprising a first housing (61 in figure 14, see specification pages 4-5) for a printing unit having a tube part (where 63 extends through 61) extended in a bottom direction from an opening formed in a ceiling of the first housing, a second housing (64) for housing an image read unit, placed on the first housing. A hinge (on 63) swingably joins the first and second housings. The hinge includes a base part (63) fitted in the tube and a rotation body (66) attached to the second housing and rotationally supported on the base part. APA, as shown in figure 14, fails to disclose an urging device as claimed.

4. Sorimachi teaches a device having first and second housings (1, 14, respectively) swingably connected to each other by a hinge (see figure 7). The first housing (1) includes a tube part (11a). The hinge includes a base part (12) fitted in the tube part, and a rotation body (15) attached to the second housing and rotationally supported on the base part. The hinge further includes an urging device (13) that provides a rotation force to the rotation body (15) in a direction bringing the second housing (14) away from the first housing and providing a rotation force to the base part in an opposite direction to the rotation force to the rotation body (column 5, lines 2-8). This arrangement allows an operator to easily open the cover (14) and feel almost no resistance or weight from the cover (column 4, lines 37-39) and prevents the cover from closing abruptly (column 5, lines 2-8). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify APA as taught by Sorimachi in order provide a cover that is easily lifted by an operator, and prevents the cover from be abruptly shut. The combination would result in the hinge arrangement shown by Sorimachi in figures 4 and 5 replacing the hinge arrangement of APA figure 14.

5. With respect to claims 12 and 13, APA as modified by Sorimachi shows the tube part (11a of Sorimachi) to be held or fixed against a bottom of the first housing (1). The tube part has attachment part being fixed to a top face of the first housing (see flange on 11a in figure 7 of Soriamchi).

6. With respect to claims 14 and 15, APA as modified by Sorimachi, shows the rotation body (15) fixed to a ceiling of the second housing (14, see figure 7 of Sorimachi), and is held to the bottom of the second housing (14, near 15b).

7. With respect to claim 17, Sorimachi shows the base part (12) to abut against the tube part (11a) so that the tube part supports the base part. It is shown in figure 7 that the vertical sides of base part 12 abut the vertical sides of tube part 11a. The tube part then supports the base along these vertical walls. In other words, the tube part supports the base part in such a way to maintain the base part in the vertical direction.

***Allowable Subject Matter***

8. Claims 1-10 and 16 are allowed.

***Response to Arguments***

9. Applicant's arguments filed July 21, 2005 have been fully considered but they are not persuasive.

10. Applicant argues there is no motivation to combine APA and Sorimachi. Examiner respectfully disagrees. Sorimachi is cited primarily for the teaching of an urging device in the hinge. Sorimachi discloses that this arrangement allows an operator to easily open the cover (14) and feel almost no resistance or weight from the cover (column 4, lines 37-39) and prevents the cover from closing abruptly (column 5, lines 2-8). Thus, Sorimachi explicitly provides a motivation to include an urging device.

11. Applicant argues that APA does not suggest a tube part, and that Sorimachi's element 11a is not a tube part as examiner has expressed in the Office Action. Examiner respectfully disagrees. Element 11a in Sorimachi meets every claimed limitation of the "tube part". Applicant has not shown how this element 11a differs from the claim language defining the tube

part. Claim 11 requires the tube part to be extended in a bottom direction from an opening formed in a ceiling of a first housing, and a base part to be fitted in the tube part. This is clearly shown by element 11a in Sorimachi's figure 7.

12. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). APA discloses the general structure surrounding the hinge. Sorimachi discloses the urging device, along with the other claimed features of the hinge. Sorimachi explicitly provides a motivation for combining the urging device with another element. One having ordinary skill in the art at the time of the invention would look to the teachings of Sorimachi to assist in opening and closing a cover. For this reason, the combination is not based on hindsight.

### *Conclusion*

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
14. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

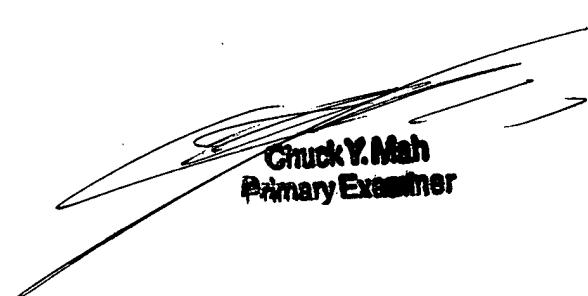
the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Kyle whose telephone number is 571-272-7057. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.

16. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mk

  
Chuck Y. Mah  
Primary Examiner